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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,909	01/26/2004	Valery Chuprin		7797
Ilya Zborovsky 7590 03/26/2009				
6 Schoolhouse Way				
Dix Hills, NY 11746				
EXAMINER				
HWU, DAVIS D				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
03/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: VALERY CHUPRIN

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Application No. 10/763,909  
Technology Center 3700

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Mailed: March 26, 2009

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Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team*  
PERRY, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 2, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

### FINAL REJECTION

In the Final Rejection dated May 4, 2006, Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### Examiner's Answer

The Examiner's Answer dated May 12, 2008, does not address; Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clarification of the record is required for Claim 1. The examiner may issue a response on a PTOL-90.

### CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) on a PTOL-90, provide the disposition of Claim 1 rejected under 35 U.S.C. 112, second paragraph rejection that was filed in the Final Rejection dated May 4, 2006; and

2) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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